

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR  
June 18, 1999

SUBMIT COPIES OF DEEDS AND SURVEY MAPS TO SPEED UP CLOSURES

The greatest delay in approving case closure requests occurs when regional staff have not received the information necessary to approve institutional controls that are required to close the case. Examples of institutional controls include deed restrictions that require maintenance of pavement or other caps over contaminated soils, and groundwater use restrictions. To speed up case closures, the RR program requests that a photocopy of the most recent property deed and a photocopy of any certified survey map of the property be included with all case closure requests. The deed is needed to obtain an accurate legal description of the property. A copy of a certified survey map should be included if it already exists - new surveys are not necessary. In order to approve of a deed restriction for a paved or capped area, a map or sketch that shows the property boundaries, building outlines, and the dimensions of the pavement or engineered cap must be attached to the deed restriction to describe the area on the property that is subject to restrictions. Responsible parties may specify that they do not want closure with an institutional control. However, failure to close with an institutional control could mean that additional remedial activities will not be PECFA eligible. The inclusion of photocopies of deeds and survey maps with Case Summary & Closeout Form 4400-202 will reduce delays in obtaining these items to approve case closures.

RECEIPTS FOR CLOSURE REVIEW PAYMENTS

Consultants and responsible parties who need receipts for payment of DNR closure review fees may use a copy of the first page of the closure request form. Regional DNR offices will stamp "Fee Received, DNR" on the form with the date and the fee amount written in.

BUDGET COMMITTEE ACTS ON BROWNFIELDS

The Legislature's Joint Finance Committee has passed several motions that advance the state's brownfields initiative, including most of the recommendations made by the Brownfields Study Group. The proposed changes will not be final until the budget is signed into law, expected late this summer or early fall. Highlights passed by the committee include:

- creating a new site-assessment grant for local governments to start brownfields projects, with \$1.45 million for the biennium;
- extending liability exemptions for local governments and lenders;
- eliminating eligibility requirements for the voluntary party liability exemption so that anyone may be eligible;
- allowing the use of natural attenuation at voluntary party liability exemptions sites if the party obtains environmental insurance;
- creating an interim liability exemption for voluntary parties after the site investigation is approved;
- increasing funding for Department of Commerce Brownfield Grants to a total of \$12.2 million for the biennium;
- increasing the number of staff at the DNR who will work on brownfields;
- extending the usefulness of Environmental Remediation Tax Incremental Financing (ER-TIF); and
- creating a Sustainable Urban Development Zone pilot program in four cities (Milwaukee, Green Bay, La Crosse, and Oshkosh). This program is

aimed at area-wide groundwater contamination. For more information on the status of the brownfields issues in the state budget, contact Michael Prager (608) 261-4927 or [pragem@dnr.state.wi.us](mailto:pragem@dnr.state.wi.us)

#### COMM 46 RECREATED

The current version of Comm 46 was adopted by the Natural Resource Board on May 26, 1999. Comm 46 is the emergency rule for PECFA sites. The rule is on the RR program web site at [http://www.dnr.state.wi.us/org/aw/rr/wi\\_regs/comm46.pdf](http://www.dnr.state.wi.us/org/aw/rr/wi_regs/comm46.pdf).

#### NR 746 HEARINGS

DNR has established a technical advisory committee to review the language in emergency rule Comm 46, in order to finalize the rule and incorporate it into the NR 700 rule series as chapter NR 746. DNR and the Department of Commerce will finalize the same rule language; Commerce's rule will still be called Comm 46. DNR and Commerce have scheduled joint public hearings on the rule. The rule language that is subject to public hearings is the same as the Comm 46 language that is on the RR program web site. Public hearings on the rule will be held:

- July 12 - 9 a.m., Room 027, GEF 2 Office Building,, 101 S. Webster St., Madison;
- July 13 - 1:30 p.m., Auditorium at Havenwoods Environmental Awareness Center, 6121 N. Hopkins St., Milwaukee;
- July 14 - 11 a.m., Room C215, Northeast Wisconsin Technical College, 2740 W. Mason St., Green Bay;
- July 15 - 11 a.m., Room 158/185, DNR Regional Service Center, 1300 W. Clairemont Ave., Eau Claire.

A copy of the proposed permanent rule package, including the background memo and fiscal note, may be obtained from Jessica Milz, email: [milzj@dnr.state.wi.us](mailto:milzj@dnr.state.wi.us), or telephone: (608) 267-0559.

Written comments on the rule may be submitted to Pat McCutcheon, DNR, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921, no later than July 20, 1999.

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